

AMENDED IN SENATE AUGUST 30, 2012

AMENDED IN SENATE AUGUST 29, 2012

AMENDED IN SENATE AUGUST 24, 2012

AMENDED IN SENATE JULY 6, 2012

AMENDED IN ASSEMBLY MAY 10, 2011

AMENDED IN ASSEMBLY APRIL 15, 2011

AMENDED IN ASSEMBLY APRIL 5, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 491

Introduced by Assembly Member Ma
(Coauthors: Assembly Members Garrick and Miller)
(Coauthor: Senator Wyland)

February 15, 2011

An act to amend Section 1255 of the Health and Safety Code, relating to health facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 491, as amended, Ma. General acute care hospitals: cardiac catheterization.

Existing law provides for the licensure and regulation of health facilities, including general acute care hospitals, administered by the State Department of Public Health. A violation of these provisions is a crime.

Existing law authorizes the department to approve, as prescribed, a general acute care hospital to offer specified special services, including, but not limited to, cardiac catheterization laboratory services, in addition to the basic services offered under the facility's license.

This bill would authorize the expansion of a cardiac catheterization laboratory service ~~under specified circumstances if specified requirements are met, to apply to no more than two general acute care hospitals~~. Because this bill would expand the definition of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1255 of the Health and Safety Code is
- 2 amended to read:
- 3 1255. (a) In addition to the basic services offered under the
- 4 license, a general acute care hospital may be approved in
- 5 accordance with subdivision (c) of Section 1277 to offer special
- 6 services, including, but not limited to, the following:
- 7 (1) Radiation therapy department.
- 8 (2) Burn center.
- 9 (3) Emergency center.
- 10 (4) Hemodialysis center (or unit).
- 11 (5) Psychiatric.
- 12 (6) Intensive care newborn nursery.
- 13 (7) Cardiac surgery.
- 14 (8) Cardiac catheterization laboratory.
- 15 (9) Renal transplant.
- 16 (10) Other special services as the department may prescribe by
- 17 regulation.
- 18 (b) A general acute care hospital that exclusively provides acute
- 19 medical rehabilitation center services may be approved in

1 accordance with subdivision (b) of Section 1277 to offer special
2 services not requiring surgical facilities.

3 (c) The department shall adopt standards for special services
4 and other regulations as may be necessary to implement this
5 section.

6 (d) (1) For cardiac catheterization laboratory service, the
7 department shall, at a minimum, adopt standards and regulations
8 that specify that only diagnostic services, and what diagnostic
9 services, may be offered by a general acute care hospital or a
10 multispecialty clinic as defined in subdivision (l) of Section 1206
11 that is approved to provide cardiac catheterization laboratory
12 service but is not also approved to provide cardiac surgery service,
13 together with the conditions under which the cardiac catheterization
14 laboratory service may be offered.

15 (2) Except as provided in paragraph (3), a cardiac catheterization
16 laboratory service shall be located in a general acute care hospital
17 that is either licensed to perform cardiovascular procedures
18 requiring extracorporeal coronary artery bypass that meets all of
19 the applicable licensing requirements relating to staff, equipment,
20 and space for service, or shall, at a minimum, have a licensed
21 intensive care service and coronary care service and maintain a
22 written agreement for the transfer of patients to a general acute
23 care hospital that is licensed for cardiac surgery or shall be located
24 in a multispecialty clinic as defined in subdivision (l) of Section
25 1206. The transfer agreement shall include protocols that will
26 minimize the need for duplicative cardiac catheterizations at the
27 hospital in which the cardiac surgery is to be performed.

28 (3) Commencing March 1, 2013, *a general acute care hospital*
29 *that has applied for program flexibility on or before July 1, 2012,*
30 *to expand* cardiac catheterization laboratory services may ~~be~~
31 ~~expanded by a general acute care hospital to include~~ *utilize* cardiac
32 catheterization space that is in conformance with applicable
33 building code standards, including those promulgated by the Office
34 of Statewide Health Planning and Development, provided that all
35 of the following ~~occur~~ *conditions are met*:

36 (A) The expanded laboratory space is located in the building
37 so that the space is connected *to the general acute care hospital*
38 by an enclosed all-weather passageway that is accessible by staff
39 and patients who are accompanied by staff.

1 (B) The service performs *cardiac catheterization services on*
2 *no more than 25 percent of its procedures on hospital inpatients*
3 *the hospital's inpatients who need cardiac catheterizations.*

4 (C) The service complies with ~~all the same policies and~~
5 *procedures approved by hospital medical staff for cardiac*
6 *catheterization laboratories that are located within the general*
7 *acute care hospital, and all the same standards and regulations*
8 *prescribed by the department for cardiac catheterization*
9 *laboratories located inside general acute care hospitals, including,*
10 *but not limited to, applicable appropriate nurse-to-patient ratios*
11 *under Section 1276.4, and with all standards and regulations*
12 *prescribed by the Office of Statewide Health Planning and*
13 *Development. Emergency regulations allowing a general acute*
14 *care hospital to operate a cardiac catheterization laboratory service*
15 *shall be adopted by the department and by the Office of Statewide*
16 *Health Planning and Development by February 28, 2013.*

17 (D) *Emergency regulations implementing this paragraph have*
18 *been adopted by the department and by the Office of Statewide*
19 *Health Planning and Development by February 28, 2013.*

20 (E) *This paragraph shall not apply to more than two general*
21 *acute care hospitals.*

22 (4) *After March 1, 2014, an acute care hospital may only*
23 *operate a cardiac catheterization laboratory service pursuant to*
24 *paragraph (3) if the department and the Office of Statewide Health*
25 *Planning and Development have adopted regulations in*
26 *accordance with the requirements of Chapter 3.5 (commencing*
27 *with Section 11340) of Part 1 of Division 3 of Title 2 of the*
28 *Government Code that provide adequate protection to patient*
29 *health and safety including, but not limited to, building standards*
30 *contained in Part 2.5 (commencing with Section 18901) of Division*
31 *13.*

32 (4)

33 (5) Notwithstanding Section 129885, cardiac catheterization
34 laboratory services expanded in accordance with paragraph (3)
35 shall be subject to all applicable building standards. The Office of
36 Statewide Health Planning and Development shall review the
37 services for compliance with the OSHPD 3 requirements of the
38 most recent version of the California Building Standards Code.

39 (e) For purposes of this section, "multispecialty clinic," as
40 defined in subdivision (l) of Section 1206, includes an entity in

1 which the multispecialty clinic holds at least a 50-percent general
2 partner interest and maintains responsibility for the management
3 of the service, if all of the following requirements are met:

4 (1) The multispecialty clinic existed as of March 1, 1983.

5 (2) Prior to March 1, 1985, the multispecialty clinic did not
6 offer cardiac catheterization services, dynamic multiplane imaging,
7 or other types of coronary or similar angiography.

8 (3) The multispecialty clinic creates only one entity that operates
9 its service at one site.

10 (4) These entities shall have the equipment and procedures
11 necessary for the stabilization of patients in emergency situations
12 prior to transfer and patient transfer arrangements in emergency
13 situations that shall be in accordance with the standards established
14 by the Emergency Medical Services Authority, including the
15 availability of comprehensive care and the qualifications of any
16 general acute care hospital expected to provide emergency
17 treatment.

18 (f) Except as provided in this section and in Sections 128525
19 and 128530, under no circumstances shall cardiac catheterizations
20 be performed outside of a general acute care hospital or a
21 multispecialty clinic, as defined in subdivision (l) of Section 1206,
22 that qualifies for this definition as of March 1, 1983.

23 SEC. 2. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.

32 SEC. 3. This act is an urgency statute necessary for the
33 immediate preservation of the public peace, health, or safety within
34 the meaning of Article IV of the Constitution and shall go into
35 immediate effect. The facts constituting the necessity are:

36 In order to improve access to health care for patients requiring
37 cardiac catheterization services at the earliest possible time, it is
38 necessary that this act take effect immediately.

O